



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
RESEARCH TRIANGLE PARK, NC 27711

OFFICE OF  
AIR QUALITY PLANNING  
AND STANDARDS

October 17, 2011

Dear Tribal Leader:

The purpose of this letter is to provide you with information about the U.S. Environmental Protection Agency's review of the new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP) for petroleum refineries and to invite you to consult, should you believe that your tribe could be affected by these standards.

The Clean Air Act (CAA) requires that every 8 years the EPA review existing standards, specifically, the NSPS (under CAA section 111(b)) that addresses emissions of criteria pollutants from petroleum refinery operations; and NESHAP (under CAA sections 112 (d) and 112(f)) that address toxic air pollutants from petroleum refinery operations. We issued the existing NSPS in 2008 and the two NESHAP in 1995 and 2002.

It should be noted that the EPA entered into a settlement agreement - to address petitions filed by state petitioners, including: New York, California, Connecticut, Delaware, Maine, New Hampshire, New Mexico, Oregon, Rhode Island, Vermont, Washington, the Commonwealth of Massachusetts, the District of Columbia and the City of New York; and environmental petitioners, including: Natural Resources Defense Council, Sierra Club and Environmental Integrity Project - that requires proposed action based on our review by December 10, 2011, and final action by October 10, 2012.

Because the standards apply to petroleum refineries located within or near Indian country, the agency believes it is important to offer consultation with federally recognized tribes. The EPA expects the proposed rules to improve environmental protection within Indian country and nationwide. However, to ensure that your lands and interests are protected, we are prepared to consult with you or your designee should you desire. If you would like to initiate government-to-government consultation with the EPA, please contact Angel McCormack at (919) 541-3588, e-mail: [mccormack.angel@epa.gov](mailto:mccormack.angel@epa.gov) or Laura McKelvey at (919) 541-5497, e-mail: [mckelvey.laura@epa.gov](mailto:mckelvey.laura@epa.gov). Due to the Court imposed deadline, however, we kindly request that you notify the EPA of your request for consultation by November 4, 2011.

We request your input to assure we develop the best rule possible. We endeavor to conduct our efforts with sensitivity to the needs and culture of your tribe and with attention to the potential impact of our actions. We look forward to receiving your input.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Tsirigotis". The signature is fluid and cursive, with a large initial "P" and a stylized "T".

Peter Tsirigotis  
Director  
Sector Policies and Programs Division

cc: Tribal Environmental Director  
Tribal Environmental Staff